



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

November 9, 2021

Re: FOIA Request NLRB-2022-000154

Dear Mr. Morgan Lee (The Associated Press):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on November 9, 2021, in which you seek “any and all unfair labor practice charges and responses to the charges” in *Rehoboth McKinley Christian Health Care Services*, Case No. 28-CA-284740, and note that a “search of the case number shows that a complaint was filed on October 18, 2021” by the Union. You assumed financial responsibility for the processing of your request in the amount of \$37.00, but requested a fee waiver and expedited processing.

We acknowledged your request on November 5, 2021. Your request for expedited processing is granted.

A search of the Agency’s electronic casehandling system, NxGen, has been conducted. This search located only one unfair labor practice charge, which is attached. The case file contains no records responding to the charge. Please be advised that the “complaint” you note that was filed on October 18 was the charge, which initiated an investigation by the Region. There is no complaint, which is a document typically issued by a Regional Director after the Regional office concludes its investigation of the charge.

Upon my review, three redactions have been made to the record to protect the privacy interests of an individual referenced therein. The redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. §

102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request, and your request for a fee waiver is denied as moot.

You may contact Ed Hughes, the FOIA Attorney who processed your request, at (202) 273-1773 or by email at ed.hughes@nrlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

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Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (one page)